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6 IN THE UNITED STATES DISTRICT COURT

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10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11

KALEB MCINTOSH,

12

Plaintiff,

No. C 19-00243 WHA

13

Related to

v. No. C 19-03298 WHA

14

KONG PHAM, KEL LIVSON, AND
BRANDON SHRAIR

ORDER TO SHOW CAUSE

15

Defendants.

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17 *Pro se* plaintiff Kaleb McIntosh initiated this action against defendants Kong Pham, Kel
18 Livson, and Brandon Shrair on January 10, 2019 alleging violations of his First Amendment
19 rights (Case No. 19-00243, Dkt. No. 1). A screening order dismissed plaintiff's complaint with
20 leave to amend for failure to state a claim under federal law (Dkt. No. 6).

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22 Federal Rule of Civil Procedure 8(a)(2) requires "a short and plain statement of the
23 claim showing that the pleader is entitled to relief." While a complaint need not provide
24 detailed factual allegations, it is "a plaintiff's obligation to provide the 'grounds' of his
25 'entitle[ment] to relief.' *Bell v. Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007). "Labels
26 and conclusions, and a formulaic recitation of the elements of a cause of action will not do." *Id.*
27 Rather, the plaintiff must provide sufficient factual allegations "to state a claim to relief that is
28 plausible on its face." *Id.* at 570.

Plaintiff filed an amended complaint on June 11, 2019 alleging violations of 18 U.S.C.
§§ 1465, 1466, and 15 U.S.C. § 54 (Case No. 19-03298, Dkt. No. 1). Title 18 of the United

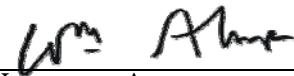
1 States Code is the criminal code of the federal government. A private citizen lacks a judicially
2 cognizable interest in the prosecution or nonprosecution of another, and as such, may not
3 initiate an action under this title. *Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973).

4 Section 54 of Title 15 of the United States Code addresses the penalties for false
5 advertising. Plaintiff alleges in the amended complaint that defendants' company, Jumpcut
6 Academy, "is false advertising and lying to their customers" (Amd. Compl. at 6 ¶ 2). He also
7 alleges "they are advocating illegal actions and false advertising a way to make a six figure
8 salary" (*id.* at 6 ¶ 6). It not clear what claim plaintiff seeks to assert as section 54 only
9 addresses the penalties for false advertising.

10 The court orders plaintiff to show cause why this action should not be dismissed due to
11 failure to properly amend the complaint. Plaintiff **SHALL FILE A RESPONSE** to the order by
12 **JULY 15, 2019 AT NOON.**

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14 **IT IS SO ORDERED.**

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16 Dated: July 1, 2019.

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19 WILLIAM ALSUP
20 UNITED STATES DISTRICT JUDGE
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